

**DECLARATION AND POWER OF ATTORNEY FOR  
UNITED STATES LETTERS PATENT APPLICATION**

As a below-named inventor, I, Conor O'Brien, hereby declare that:

My residence, post-office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: EXERCISE MONITOR, the specification of which is provided in PCT Publication Number WO 2005/098467, published on October 20, 2005, which is provided in U. S. Patent Application No. \_\_\_\_\_, and which is identified as Attorney Docket No. FRKEL-007PUS and Client Case No. P70625US00/DB/PH/cg.

I hereby state that I have reviewed and understand the contents of the above-identified application specification, including the claims, as amended by any amendment specifically referred to herein.

I acknowledge the duty to disclose all information known to me that is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

**EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

Country	Application Number	Date of Filing (month, day, year)	Priority Claimed Under 35 USC 119
Europe	04076087.8	April 9, 2004	<u>X</u> Yes No _____
			_____ Yes No _____
			_____ Yes No _____
			_____ Yes No _____

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION


I hereby claim priority benefits under Title 35, United States Code §119(e), of any United States provisional patent application(s) listed below:

Application Number	Date of Filing (month, day, year)	Priority Claimed Under 35 USC 119(e)
		Yes   No
		Yes   No
		Yes   No

I hereby claim the benefit under Title 35, United States Code §120, of the United States Application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United State Code, §112, I acknowledge the duty to disclose all information that is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56, and which became available to me between the filing date of the prior application and the national or PCT international filing date of this application:

Application Number	Date of Filing (month, day, year)	Status (Patented/Pending/Abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

PATENT  
Atty. Docket No. FRKEL-007PUS  
Client Case No. P70625US00/DB/PH/cg

I hereby appoint:

Practitioners associated with the Customer Number: 022494

as my attorney(s) or agent(s), with full power of substitution, delegation and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected therewith;

all of DALY, CROWLEY, MOFFORD & DURKEE, LLP, 354A Turnpike Street, Suite 301A, Canton, Massachusetts 02021-2714, jointly, and each of them severally, my attorneys at law, with full power of substitution, delegation and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected therewith.

Please direct all telephone calls and address all correspondence to:

Kermit Robinson  
DALY, CROWLEY, MOFFORD & DURKEE, LLP  
354A Turnpike Street, Suite 301A  
Canton, Massachusetts 02021-2714  
Telephone no. (781) 401-9988  
Facsimile: (781) 401-9966

Full name of First Joint Inventor Conor O'Brien	
Inventor's Signature	Date
Residence 31 Raglan Road, Dublin 4, Ireland	
Country of Citizenship Ireland	
Post Office Address (if different)	